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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,721	10/20/2000	Peter E. Sanford	0030-0198P	5614

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EXAMINER

TRAN, KIM N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/692,721

Applicant(s)

SANDFORD, PETER E.

Examiner

Kim N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-66 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-34, drawn to a jogger member for use in erecting a universal press frame, classified in class 83, subclass 698.71.
  - II. Claims 35-37, drawn to support leg for use in erecting a universal press, classified in class 83, subclass 859.
  - III. Claims 38-43, drawn to a template locking corner clamp, classified in class 83, subclass 701.
  - IV. Claims 44-48, drawn to a center line bracket for use in erecting a universal press frame, classified in class 83, subclass 698.51.
  - V. Claims 49-53, drawn to an auxiliary support member for use in erecting a universal press, classified in class 83, subclass 698.31.
  - VI. Claims 54-56, drawn to grid support bracket for use in erecting a universal press, classified in class 83, subclass 698.11.
  - VII. Claims 57-59, drawn to center line orientation cylinder for use in erecting a universal press frame, classified in class 83, subclass 699.51.
  - VIII. Claims 60-63, drawn to grid orientation cylinder for erecting a universal press frame, classified in class 83, subclass 698.61.
  - IX. Claims 64-66, drawn to rail connecting element for erecting a universal press frame, classified in class 83, subclass 699.41.

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The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and II has separate utility in that the jogger has the utility of erecting the universal press frame while the support leg has a separate utility of providing support. See MPEP § 806.05(d).

3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and III has separate utility in that the jogger has the utility of erecting the universal press frame while the template locking corner clamp has a separate utility of providing a locking means. See MPEP § 806.05(d).

4. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and IV has separate utility in that the jogger has the utility of erecting the universal press frame while the center line bracket has a separate utility of providing a securing means. See MPEP § 806.05(d).

5. Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and V has separate utility in that the jogger has the utility of erecting the universal press frame while the

auxiliary support member has a separate utility of providing an adjustable support means. See MPEP § 806.05(d).

6. Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and VI has separate utility in that the jogger has the utility of erecting the universal press frame while the grid support bracket has a separate utility of providing a securing means for the grid. See MPEP § 806.05(d).

7. Inventions I and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and VII has separate utility in that the jogger has the utility of erecting the universal press frame while the center line orientation cylinder has the separate utility of providing an aligning means. See MPEP § 806.05(d).

8. Inventions I and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I and VIII has separate utility in that the jogger has the utility of erecting the universal press frame while the grid orientation cylinder has the utility of an aligning means for the grid. See MPEP § 806.05(d).

9. Inventions I and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are

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shown to be separately usable. In the instant case, invention I and IX has separate utility in that the jogger has the utility of erecting the universal press frame while the rail connecting element has the separate utility of providing a connecting means

10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

11. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, IV, V, VI, VII, VIII, and IX, restriction for examination purposes as indicated is proper.

12. This application contains claims directed to the following patentably distinct species of the claimed invention:

- I: the embodiment shown in Figure 1; —
- II: the embodiment shown in Figures 4, 5, and 6; ✓
- III: the embodiment shown in Figures 7 and 8; ✓
- IV: the embodiment shown in Figures 9-13; ✓
- V: the embodiment shown in Figures 14-18; ✓
- VI: the embodiment shown in Figures 19-20; ✓
- VII: the embodiment shown in Figures 21-23; ✓
- 8 VII: the embodiment shown in Figures 24-28; ✓
- 9 VIII: the embodiment shown in Figures 29-30; ✓
- 10 IX: the embodiment shown in Figure 31; ✓
- 11 X: the embodiment shown in Figures 32-33 . ✓

13. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no generic.

14. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

15. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

16. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

17. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

18. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim N Tran whose telephone number is 703-305-2597. The examiner can normally be reached on Alternate Mondays, Tuesday-Friday from 8-5:30 pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3590 for regular communications and 703-305-9835 for After Final communications.

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

knt  
January 8, 2002

M. Rachuba  
Primary Examiner